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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,747	04/25/2001	Eiichi Ibata	MAT-8125US	5768

7590 12/09/2002

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EXAMINER

LAM, THANH

ART UNIT PAPER NUMBER

2834

DATE MAILED: 12/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/841,747

Applicant(s)

Ibata

Examiner

Thanh Lam

Art Unit
2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/3/20002
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above, claim(s) 3, 6, 8, 9, 11, 12, 14, 15, 17, 18, 20, 21, and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 7, 10, 13, 16, 19, and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

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DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 2,5,7,10,16,19, and 22 is withdrawn in view of the newly discovered reference(s) to Ibata et al. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2,5,7,10,13,16,22 are rejected under 35 U.S.C. 102(b) as being anticipated by Ibata et al (JP02000078790A).

Regarding claim 1, Ibata et al. (See figs. 5a-5b) discloses a device comprising: a motor having a frame (3) of which surface is conductive; a grounding terminal disposed at a place facing the frame; a housing (12) for accommodating said motor; and an elastic member made of conductive resin, including: a first portion (25) forming an electrical conductor disposed between said frame and said grounding terminal; and a second portion (26) disposed between said frame and said housing.

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Regarding claim 2, Ibata et al. discloses a device comprising: a motor having a frame (3) of which surface is conductive and a motor terminal shaping in a leaf spring (40); a feeding terminal for powering said motor and disposed at a place facing the motor terminal; a grounding terminal disposed at a place facing the frame; a first elastic member made of insulating resin and disposed for urging the motor terminal to said feeding terminal; and (e) a second elastic member made of conductive resin and disposed between the frame and said grounding terminal.

Regarding claim 4, Ibata et al. discloses a board having said grounding terminal, wherein said motor and said elastic member are sandwiched between said housing and said board.

Regarding claim 5, Ibata et al. discloses a housing; and board having said feeding terminal and said grounding terminal, wherein said motor, said first and said second elastic members are sandwiched between said housing and said board.

Regarding claim 7, Ibata et al. discloses said first and second elastic members are unitarily formed by two -color- molding method.

Regarding claim 10, Ibata et al. discloses said first and said second elastic members are synthetic rubber.

Regarding claim 13, Ibata et al. discloses the frame roughly shapes in a cup, and an opening of the cup is covered by said second elastic member.

Regarding claim 16, Ibata et al. discloses a radio 5 transceiver mounted to said board.

Regarding claim 19, Ibata et al. discloses said motor includes an unbalance mechanism for generating a vibration due to rotating.

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Regarding claim 22, Ibata et al. discloses a motor comprising: a frame of which surface is conductive; and a motor terminal shaping in a leaf spring (40), wherein said motor terminal is urged by a first elastic member made of insulating resin to a feeding terminal of a device, and said frame is conductive to a grounding terminal of the device via a second elastic member made of conductive resin.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Lam whose telephone number is (703) 308-7626. The fax phone number for this Group is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0656.



Thanh Lam

Patent Examiner